

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 SEP -2 AM 11:57

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Luis RAMIREZ-Ramirez,

Defendant

Magistrate Docket No.

'08 MJ 2689


COMPLAINT FOR VIOLATION OF: DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **August 31, 2008** within the Southern District of California, defendant, **Jose Luis RAMIREZ-Ramirez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT

 Ismael A. Canto
 Senior Patrol Agent

 SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 2nd DAY OF SEPTEMBER,
2008

 Leo S. Papas
 UNITED STATES MAGISTRATE JUDGE

 Port
 8/31/08
 VNA

CONTINUATION OF COMPLAINT:**Jose Luis RAMIREZ-Ramirez****PROBABLE CAUSE STATEMENT**

On August 31, 2008, Senior Patrol Agent R. Magana and Senior Patrol Agent D. Rainey were patrolling on Otay Mountain in an area known as the Butteweg Canyon. This area is approximately eight miles east of the Otay Mesa, California Port of Entry and three miles north of the United States and Mexico International Boundary. This area is commonly used by undocumented aliens making their way north into the United States.

At approximately 9:30 pm, Agent Rainey and Agent R. Magana responded to an activated seismic intrusion device located in Butteweg Canyon. Agent Rainey arrived just north of the device and detected multiple sets of footprints on the ground. Agent R. Magana was approximately two hundred yards north of Agent Rainey's location on the Otay Mountain Truck Trail. Agent Rainey advised Agent Magana that he had footprints heading towards Agent Magana's location. Agent Rainey then followed the footprints downhill towards the Truck Trail. Half way down to the Truck Trail, Agent Rainey found an individual hiding in a brush just off the trail where he was following the footprints. Agent Rainey advised Agent Magana he had detained one person and then Agent Magana moved up the hill towards Agent Rainey's location. Agent Rainey told Agent Magana that he heard more individuals in the brush near his location. Agent Magana then searched the area and observed four individuals hiding in the brush approximately four yards north of Agent Rainey's location. One of the four individuals, later identified as the defendant **Jose Luis RAMIREZ-Ramirez**, tried to abscond but Agent Magana was able to apprehend him after a brief foot chase. A few minutes later, Agent Rainey and Agent Magana found and detained an additional five individuals. Agent Rainey and Agent Magana identified themselves as United States Border Patrol Agents in the English and Spanish languages and conducted an Immigration field interview on the individuals to determine their citizenship and immigration status. All individuals, including RAMIREZ-Ramirez, admitted to being citizens and nationals of Mexico present in the United States without proper immigration documents that would allow them to enter and remain in the United States. At approximately 9:40 pm, all ten individuals were arrested and transported to the United States Border Patrol Brown Field Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.